



February 20, 2007

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## HOUSE BILL No. 1617

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DIGEST OF HB 1617 (Updated February 19, 2007 1:45 pm - DI 107)

**Citations Affected:** IC 5-2; IC 9-30.

**Synopsis:** Ignition interlock devices. Establishes the ignition interlock fund. Provides that a court order granting probationary driving privileges to certain persons must prohibit the person from operating a motor vehicle unless the vehicle is equipped with an ignition interlock device.

**Effective:** July 1, 2007.

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January 23, 2007, read first time and referred to Committee on Judiciary.  
February 19, 2007, amended, reported — Do Pass.

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HB 1617—LS 7489/DI 116+



February 20, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1617

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-2-6.2 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2007]:

4 **Chapter 6.2. Ignition Interlock Fund**

5 **Sec. 1. As used in this chapter, "ignition interlock device" has**  
6 **the meaning set forth under IC 9-13-2-76.**

7 **Sec. 2. As used in this chapter, "institute" means the Indiana**  
8 **criminal justice institute established by IC 5-2-6-3.**

9 **Sec. 3. As used in this chapter, "local governmental entities" has**  
10 **the meaning set forth under IC 5-2-6-1.**

11 **Sec. 4. (a) The ignition interlock fund is established to provide**  
12 **local governmental entities with funds to assist with the**  
13 **administration costs associated with ignition interlock devices and**  
14 **costs associated with providing an ignition interlock device to an**  
15 **indigent person. The fund shall be administered by the institute**  
16 **and consists of any appropriations to the fund.**

17 **(b) The expenses of administering the fund shall be paid from**

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money in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

**Sec. 5. The institute shall distribute money in the fund to local governmental entities in Indiana for the purpose of assisting local governmental entities with:**

(1) administration costs associated with ignition interlock devices; and

(2) the costs associated with providing an ignition interlock device to an indigent person.

**Sec. 6. The institute may adopt rules under IC 4-22-2 and guidelines to implement this chapter.**

SECTION 2. IC 9-30-5-16, AS AMENDED BY P.L.172-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) Except as provided in subsections (b) and (c) and section 10 of this chapter, the court may, in granting probationary driving privileges under this chapter, also order that the probationary driving privileges include the requirement that a person may not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(b) An order granting probationary driving privileges:

(1) under:

(A) section 12(a) of this chapter; ~~if the person has a previous conviction that occurred at least ten (10) years before the conviction under consideration by the court; or~~

(B) section 12(c) of this chapter; ~~or~~

(2) to a person who has a prior unrelated conviction for an offense under this chapter of which the consumption of alcohol is an element;

(3) to a person who was intoxicated as described in section 1 of this chapter and was involved in a motor vehicle accident; ~~or~~

(4) to a person who had operated a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

must prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, a court is not required to order the installation of an ignition interlock device for a person described in ~~subdivision any of subdivisions (1) or (2) through (4)~~ if the person is

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1 successfully participating in a court supervised alcohol treatment  
2 program in which the person is taking disulfiram or a similar substance  
3 that the court determines is effective in treating alcohol abuse. **A court**  
4 **also is not required to order the installation of an ignition interlock**  
5 **device for a person described in subdivision (1). If a court does not**  
6 **order the installation of an ignition interlock device for a person**  
7 **described in subdivision (1), the court shall set forth why a device**  
8 **is not appropriate.**

9 (c) A court may not order the installation of an ignition interlock  
10 device on a vehicle operated by an employee to whom any of the  
11 following apply:

- 12 (1) Has been convicted of violating section 1 or 2 of this chapter.  
13 (2) Is employed as the operator of a vehicle owned, leased, or  
14 provided by the employee's employer.  
15 (3) Is subject to a labor agreement that prohibits an employee who  
16 is convicted of an alcohol related offense from operating the  
17 employer's vehicle.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1617, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "of:" and insert "**of**".

Page 1, delete line 17.

Page 2, line 1, delete "(2)".

Page 1, run in line 16 through page 2, line 1.

Page 2, delete lines 15 through 42.

Delete page 3.

Page 4, delete lines 1 through 33.

Page 5, line 5, strike "or".

Page 5, between lines 8 and 9, begin a new line block indented and insert:

**"(3) to a person who was intoxicated as described in section 1 of this chapter and was involved in a motor vehicle accident; or**

**(4) to a person who had operated a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:**

**(A) one hundred (100) milliliters of the person's blood; or**

**(B) two hundred ten (210) liters of the person's breath;"**.

Page 5, line 13, strike "subdivision" and insert "**any of subdivisions**".

Page 5, line 13, strike "or (2)" and insert "**through (4)**".

Page 5, line 16, after "abuse." insert "**A court also is not required to order the installation of an ignition interlock device for a person described in subdivision (1). If a court does not order the installation of an ignition interlock device for a person described in subdivision (1), the court shall set forth why a device is not appropriate.**".

Page 5, delete lines 26 through 28.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1617 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 6, nays 2.

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